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Reply Deadline: December 3, 2021
Hearing Date: To be determined

Attorneys for Defendant Suburban Mortgage, Inc.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

LEHMAN BROTHERS HOLDINGS INC., *et al.*,

Debtors.

Chapter 11
Case No. 08-13555 (SCC)

LEHMAN BROTHERS HOLDINGS INC.,

Plaintiff,

Central Adversary
Docket No. 16-01019 (SCC)

v.

1ST ADVANTAGE MORTGAGE, LLC *et al.*,

Defendants.

LEHMAN BROTHERS HOLDINGS INC.,

Plaintiff,

Adv. Pro. Nos. 16-01295 and
18-01825 (SCC)

v.

SUBURBAN MORTGAGE, INC.,

Defendant.

**DECLARATION OF LANI A. ADLER IN OPPOSITION TO MOTION OF
LEHMAN BROTHERS HOLDINGS INC. FOR LEAVE TO AMEND AND
EXTEND THE SCOPE OF ALTERNATIVE DISPUTE RESOLUTION
PROCEDURES ORDER TO SUBURBAN MORTGAGE, INC. AND TO COMPEL
SUBURBAN MORTGAGE TO MEDIATE**

LANI A. ADLER, under penalty of perjury, hereby declares:

1. I am an attorney duly admitted to practice in the State of New York and in this Court. My firm is counsel to Defendant Suburban Mortgage, Inc. (“SMI”), in this matter. I make this declaration on personal knowledge, except as stated otherwise, in opposition to the motion of Plaintiff Lehman Brothers Holdings, Inc. (“LBHI”) to compel SMI to mediate and “for leave to amend and extend the scope of the alternative dispute resolution procedures order for indemnification claims of the debtors against mortgage loans sellers” with respect to SMI.
2. I have represented SMI in the cases filed by LBHI against SMI since 2014. At no time has SMI ever agreed to formally or otherwise mediate LBHI’s indemnification claims against it with respect to loans that LBHI alleges LBHI sold to RMBS Trustees.
3. In May 2015, SMI did mediate certain claims with respect to loans that LBHI stated it had sold to Fannie Mae or Freddie Mac which loans, according to LBHI, were originated or brokered by SMI. That mediation did not result in any resolution of those claims.
4. Attached as Exhibit A hereto is a true, accurate and complete copy of the transcript of a hearing held before this Court on March 31, 2015 in Case No. 14-12611(SCC) entitled In the Matter of NII Holdings, Inc. and NII International Holdings S.A.R.L., ECF No. 669, available on Pacer.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
November 19, 2021

/s/ Lani A. Adler
Lani A. Adler